

REMARKS

Claims 34 - 48 are pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 34-37 and 39 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Gabriel (U.S. Patent No. 6,173,199). This rejection is respectfully traversed.

Claims 34, 35 and 39

With respect to claims 34, 35 and 39, these claims clarify that the externally applied magnetic field causes the magnet members located on the distal end of the catheter **to align with** the direction of an externally applied magnetic field.

The Office Action states on page 2 that Gabriel discloses a catheter distal end (14) that is oriented by one or more magnetic members (44) that align relative to the direction of an externally applied magnetic field (via element 48). However, Gabriel teaches a permanent magnet 44 that includes opposite pole faces 44A and 44B which exhibit polarization, where "the inclusion of the permanent magnet polarized along the diameter results in the orientation of the distal end portion 14 transversely with respect to the external magnet 48." (Gabriel, c. 5, ll. 47-60). Gabriel also discloses an alternate magnet 50 having opposing planar pole faces, that is also "distinctly polarized", "thus allowing the distal end portion 14 to be manipulated by movement of the external magnet." (Gabriel, c. 6, ll. 4-25). Accordingly, Gabriel merely discloses (and shows in Fig. 5) permanent magnets that are designed to orient a distal end transversely with respect to an external magnet 48, which is not the same as magnet members located on the distal end of the catheter that cause the end **to align with** the direction of an externally applied magnetic field.

The Applicant notes that a magnetic tip **aligning transversely with respect to an external magnet** *is not the same* as a magnetic tip **aligning with the direction of a magnetic field**. As such, the Applicant submits that Gabriel does not disclose or anticipate the claimed element of magnet members located on the distal end of the catheter that cause the end **to align with** the direction of an externally applied magnetic field.

With regard to the optical limitation, the Office Action also states on page 2 that Gabriel discloses element 56 may provide an audio, visual or tactile indication to the user, and refers to Gabriel, c. 6, ll. 49-53. However, this portion of Gabriel states that the sensor provides indication when the threshold magnetic field is present, and is connected to an audio or visual signal generator 58 that is "preferably a light bulb or other visual signal which provides a detectable signal indicating that sensor 56 is detecting a threshold level of a magnetic field". (Gabriel, c. 6, ll. 49-53, c. 7, ll. 35-38). This is contrary to the claimed optical conduit described in the present application, where "One or more optical fibers terminate in the body, facing generally radially outwardly for imaging the vessel in which the device 400 is located...The optical fibers 420 and 422 extend proximally to the proximal end of the catheter 402, where the optical fibers are connected an imaging system." (see Fig. 14, ¶ 62 of the present application). Contrary to the claimed optical conduit, Gabriel shows the sensor 56 in Fig. 4 as being completely enclosed within the distal end portion (14), which would render the sensor incapable of functioning as an "optical conduit" for using in imaging the vessel in which the device is located. As such, the Applicant submits that Gabriel does not disclose or anticipate the claimed element of an optical conduit.

As Gabriel does not disclose each and every element of the claimed invention, the Applicant submits that claims 34, 35 and 39, and claims 36-37 depending therefrom, are allowable for at least these reasons.

NEW CLAIMS

The Applicant has added claims 45 - 48 to claim variations in the features of the optical conduit as disclosed in paragraphs 67 and 71 of the present published application 20020019644.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot by the present amendments. The Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If it will advance the prosecution of this application, the examiner is invited to call the undersigned at (314) 726-7500.

Respectfully submitted,

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